

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KANA INVESTMENT CORP.,

Plaintiff,

Case No. 12-cv-13689

v.

HONORABLE STEPHEN J. MURPHY, III

FEDERAL DEPOSIT INSURANCE  
CORPORATION, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (document no. 24) AND DENYING KANA'S MOTION TO QUIET TITLE (document no. 18)**

On April 17, 2014, plaintiff Kana Investment Corp. ("Kana") filed an amended motion to quiet title against defendant Federal Deposit Insurance Corporation ("FDIC"). The Court referred the motion to Magistrate Judge Steven Whalen, who issued a Report and Recommendation ("the Report") on October 7, 2014, recommending the Court deny the motion for failure to effectuate proper service on the FDIC. ECF No. 24.

Copies of the Report were served upon the parties on October 7, 2014. Pursuant to Civil Rule 72(b)(2), Kana had fourteen days from that date to file specific written objections to the recommended disposition. Fed. R. Civ. P. 72(b)(2). No objections have been filed. See Fed. R. Civ. P. 72(b)(3) (requiring de novo review by a district judge only for "any part of the magistrate judge's disposition that has been properly objected to").

Having reviewed the Report's analysis, in light of the record, the Court finds the Report's conclusions are factually based and legally sound. Accordingly, the Court will deny Kana's amended motion to quiet title, and order Kana to file proof the FDIC has been properly served in compliance with Civil Rule 4(i), within seven (7) days of the date of this

order.<sup>1</sup> Failure to comply with the terms of this order will result in dismissal of the complaint as to the FDIC without prejudice and without further notice or hearing.

**ORDER**

**WHEREFORE**, it is hereby **ORDERED** that the Report and Recommendation (document no. 24) is **ADOPTED** and Kana's Amended Motion to Quiet Title (document no. 18) is **DENIED**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: November 7, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 7, 2014, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager

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<sup>1</sup> Civil Rule 4(i) requires a party to serve the United States and its agencies, in part, by delivering "a copy of the summons and of the complaint to the United States attorney for the district where the action is brought." Fed. R. Civ. P. 4(i)(1)(A)(i). Although Kana served the Attorney General of the United States—as required by Civil Rule 4(i)(1)(B)—it did not serve the United States Attorney for the Eastern District of Michigan. See Mot. Quiet Title, Aff. of Service, ECF No. 18-2.